

117TH CONGRESS
1ST SESSION

H. R. 2177

To review equity best practices in relation to transportation funding and
to reinstitute the transportation equity research program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2021

Mrs. TORRES of California (for herself, Mr. GARCÍA of Illinois, Mrs. NAPOLITANO, Mr. TAKANO, Mr. GRIJALVA, Ms. MOORE of Wisconsin, Ms. JACKSON LEE, Mr. CARBAJAL, Ms. BARRAGÁN, Ms. ESHOO, Mr. VARGAS, Ms. BUSH, Mrs. WATSON COLEMAN, Ms. PRESSLEY, Mr. BOWMAN, and Ms. WILLIAMS of Georgia) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To review equity best practices in relation to transportation funding and to reinstitute the transportation equity research program.

1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair Transportation
5 Act”.

6 **SEC. 2. DEFINITION OF COVERED POPULATIONS.**

7 In this Act:

1 (1) AFFORDABILITY.—The term “affordability”
2 means the cost-burden threshold on households by
3 income, including housing and transportation costs,
4 which may be determined by the Federal agency car-
5 rying out a specific task such as a report or guid-
6 ance.

7 (2) COVERED POPULATIONS.—The term “cov-
8 ered populations” means, as determined by the Fed-
9 eral agency applying such term—

- 10 (A) communities of color;
- 11 (B) low-income communities;
- 12 (C) individuals with disabilities;
- 13 (D) LGBTQ people;
- 14 (E) people experiencing homelessness;
- 15 (F) youth and elderly populations;
- 16 (G) formerly incarcerated individuals;
- 17 (H) women; and
- 18 (I) individuals who are members of Indian
- 19 tribes.

20 **SEC. 3. GAO REVIEW OF EQUITY CONSIDERATIONS AT**
21 **STATE DEPARTMENTS OF TRANSPORTATION.**

22 (a) REVIEW REQUIRED.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this Act, the Comptroller
25 General of the United States shall undertake a re-

1 view, to the extent practicable, of the extent to which
2 State departments of transportation consider equity
3 and improve equity outcomes in the use of Federal
4 surface transportation funds at all phases of project
5 delivery, including—

- 6 (A) the transportation planning, project se-
7 lection, and project delivery; and
8 (B) considerations of the diverse transpor-
9 tation needs of covered populations.

10 (2) CONSIDERATIONS.—In carrying out the re-
11 view under paragraph (1), the Comptroller General
12 shall—

13 (A) consider relevant State department of
14 transportation practices and transportation eq-
15 uity measures and the impacts of such meas-
16 ures and practices on covered populations expe-
17 riencing differential impacts in the surface
18 transportation sector;

19 (B) evaluate, to the extent possible, wheth-
20 er any such equity measures and practices con-
21 sider the access, affordability, safety, conven-
22 ience, resilience, and reliability of transpor-
23 tation in covered populations; and

24 (C) evaluate, to the extent possible, wheth-
25 er such measures and practices consider the im-

1 pact of surface transportation funding on the
2 distribution of economic benefits such as from
3 job creation and receipts of Federal funding by
4 the community, of transportation in covered
5 populations.

6 (b) FINAL REPORT.—Not later than 1 year after the
7 date of enactment of this Act, the Comptroller General
8 shall submit to the Committee on Transportation and In-
9 frastructure and the Committee on Appropriations of the
10 House of Representatives and the Committee on Environ-
11 ment and Public Works, the Committee on Commerce,
12 Science, and Transportation, the Committee on Banking,
13 Housing, and Urban Affairs, and the Committee on Ap-
14 propriations of the Senate, and make available on a pub-
15 licly accessible website, a report detailing—

16 (1) the findings based on the review in sub-
17 section (a);

18 (2) any recommendations for State departments
19 of transportation to improve equity considerations
20 and incorporate equity considerations into all phases
21 of project delivery, including the planning, bidding,
22 project design, and project selection process as well
23 as how bids are advertised and awarded, which may
24 be in the form of model legislation, best practices, or
25 guidance; and

6 SEC. 4. TRANSPORTATION EQUITY RESEARCH PROGRAM.

7 (a) IN GENERAL.—The Secretary of Transportation
8 shall carry out a transportation equity research program
9 for research and demonstration activities that focus on the
10 impacts that surface transportation planning, investment,
11 and operations have on covered populations.

(b) ACTIVITIES.—Demonstration activities referred to in subsection (a) shall include research on surface transportation equity issues such as infrastructure barriers that cut off individuals and communities from essential jobs and services, (including inadequate services rendered during natural and man-made disasters), access to publicly-owned and public benefit data, data gathering and analyzing particularly to support the development of equity measures, as well as the development of strategies to advance economic and community development in public transportation-dependent populations.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section
25 \$8,000,000 for each of fiscal years 2022 through 2025.

1 (d) INFORMATION COLLECTION.—

2 (1) DATASETS AND DATA ANALYSIS TOOLS.—In
3 carrying out this section, the Secretary shall collect,
4 develop, use, and maintain datasets and data anal-
5 ysis tools as necessary for the development of evi-
6 dence for evaluation purposes, in support of the
7 Foundations for Evidence-Based Policymaking Act
8 of 2018 (Public Law 115–435).

9 (2) APPLICATION OF CHAPTER 35 OF TITLE
10 44.—Any survey, questionnaire, or interview that the
11 Secretary determines to be necessary to carry out re-
12 porting requirements relating to this subsection, in-
13 cluding customer satisfaction assessments, shall not
14 be subject to chapter 35 of title 44, United States
15 Code.

16 **SEC. 5. GAO REVIEW OF DISCRETIONARY GRANT PRO-**
17 **GRAMS.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of enactment of this Act, the Comptroller General
20 of the United States shall submit to the Secretary of
21 Transportation, the Committee on Appropriations and
22 Committee on Transportation and Infrastructure of the
23 House of Representatives and the Committee on Environ-
24 ment and Public Works, the Committee on Appropria-
25 tions, the Committee on Banking, Housing, and Urban

1 Affairs, and the Committee on Commerce, Science, and
2 Transportation of the Senate a review of covered discre-
3 tionary grant programs, as selected by the Comptroller
4 General, to determine the extent to which the Secretary
5 is considering the needs of and awarding funding through
6 such programs to projects that serve any group or popu-
7 lation experiencing differential impacts in the transpor-
8 tation sector.

9 (b) RECOMMENDATIONS.—The Comptroller General
10 shall include as part of the review under subsection (a)
11 recommendations to the Secretary on possible means to
12 consider equity and improve equity outcomes.

13 (c) DEFINITION OF COVERED DISCRETIONARY
14 GRANT PROGRAM.—In this section, the term “covered dis-
15 cretionary grant programs” means discretionary grant
16 programs under title 23, United States Code, and chapter
17 53 of title 49, United States Code.

18 **SEC. 6. GUIDANCE ON EQUITY IN DISBURSING FUNDING.**

19 (a) IN GENERAL.—Not later than 2 years after the
20 date of enactment of this Act, the Secretary of Transpor-
21 tation shall issue guidance on how to consider equity in
22 disbursing funding, including the equity measures and
23 best practices the Secretary shall use to consider equity.

1 (b) CONSIDERATIONS.—In issuing guidance under
2 subsection (a), the Secretary shall ensure transportation
3 equity measures, if applicable, consider—

4 (1) the impact of transportation planning, in-
5 vestment, and operations on covered populations;
6 and

7 (2) the access, affordability, safety, convenience,
8 and reliability of transportation in underserved com-
9 munities.

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